

HOUSE BILL 2274
By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2; Title 55, Chapter 50 and Title 55, Chapter 10, relative to the forfeiture of certain vehicles used by a person driving on a suspended or revoked driver license for a violation of driving under the influence of an intoxicant and relative to the procedure for forfeiting such vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-504, is amended by adding the following new subsection:

(h) The vehicle used in the commission of a person's violation of Tennessee Code Annotated, Section 55-50-504, when the original suspension or revocation was made for a violation of Tennessee Code Annotated, Section 55-10-401, is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2. The department of safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

SECTION 2. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-504(h), 57-3-411".

SECTION 3. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-50-504(h), 57-3-411".

SECTION 4. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be designated as (c) and by relettering present subsection (c) accordingly:

(c)(1) Notwithstanding the provisions of subsections (a) and (b) of this section to the contrary, one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-50-504(h), shall be deposited in the state treasury for the equal use of the department of safety and the criminal injuries compensation fund. The department of safety shall use such revenue to employ additional hearing officers and other personnel required because of such department's designation as the applicable agency for all forfeitures authorized by Tennessee Code Annotated, Section 55-50-504(h). The revenue to the criminal injuries compensation fund shall be used to assist in the payment of awards to victims of drunk drivers.

(2) The remaining one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-50-504(h), shall be distributed to the county trustee or city recorder whose officers made the seizure and shall be used exclusively for education and prevention programs.

Tennessee Code Annotated, Section 40-33-211, is further amended by deleting the citation "57-3-411" and substituting instead the citations "57-3-411, 57-5-409, 57-9-201".

SECTION 5. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-50-504(h), 57-3-411".

Tennessee Code Annotated, Section 40-33-214, is further amended by deleting the language "§§7-59-109, 39-14-140, 39-14-307, 47-25-1105, 53-11-451, 57-3-411, 57-5-409, 57-9-201, 67-4-1020, 70-3-111, 70-6-202 and 70-8-108" and substituting instead

the language “§§39-14-307, 47-25-1105, 53-11-451, 57-3-411, 57-5-409, 57-9-201, 67-4-1020, and 70-6-202”.

SECTION 6. This act shall take effect on July 1, 1996, the public welfare requiring it and shall apply to all applicable violations occurring on or after such date.

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